



Town of Bridgewater

Rules and Procedure Committee

November 9, 2023

7:00 PM

The meeting will be held virtually via Zoom.

To attend via video, click on the link below:

<https://us06web.zoom.us/j/87918871901>

To attend via phone, dial: 1(646) 876-9923

Meeting ID: 879 1887 1901

MEETING AGENDA

Disclosure: Pursuant to Section 20 of Chapter 20 of the Acts of 2020, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, and the March 31, 2025, extension granted by Chapter 22 of the Acts of 2022, this meeting for the Town of Bridgewater will be fully remote and accessible to the public through remote participation to the greatest extent possible. No in-person attendance is permitted. Citizens who wish to tune in to the meeting may do so via Zoom.

- A. Call to Order**
- B. Approval of Meeting Minutes**
 - a) October 3, 2023 Meeting Minutes
- C. Public Comment**
- D. Items Referred**
 - a) Proposed Ordinance D-FY22-009: Bridgewater Town Charter Article III, Elected Officials Recall Provision
- E. Public Comment**
- F. Adjournment of Meeting**



Town of Bridgewater **Rules and Procedure Committee**

October 3, 2023
7:00 PM

MEETING MINUTES

CALL TO ORDER

Councilor Chase called the Town Council Rules & Procedures Committee meeting to order at 7:10pm. The meeting took place via Zoom.

Council Members Present:

Councilor Chase
Councilor Murphy
Councilor McKinnon

APPROVAL OF MEETING MINUTES

a) July 27, 2023 Meeting Minutes

Councilor McKinnon made a motion to approve the July 27, 2023 meeting minutes, which was duly seconded by Councilor Murphy.

A roll-call vote was taken and the results were recorded as follows: Chase – Yea; Murphy – Yea; McKinnon – Yea. Motion passed 3-0.

PUBLIC COMMENT – None

NEW BUSINESS

a) Proposed Ordinance D-FY22-008: Bridgewater Town Charter Article II, Legislative Branch, Annual Stipend

Councilor McKinnon noted that amount can be lowered or raised if voted by voters.

Councilor Chase noted his proposed changes. Put ceiling on any increase to be clear to voters. 2/3 of councilors have to vote in favor. Picked \$10k as a ceiling because reasonable.

Councilor McKinnon noted that he liked having a ceiling but not sure if too much or too little.

Councilor Murphy suggested not having a ceiling and changes should be done by charter change.

Councilor Chase noted to strip out all proposed and go with what was referred.

Councilor McKinnon made the motion which was seconded by Councilor Murphy.

A roll-call vote was taken and the results were recorded as follows: Chase – Yea; Murphy – Yea; McKinnon – Yea. Motion passed 3-0.

Councilor Chase asked what period of time should councilors be paid and when.

Councilor McKinnon noted that should be paid for year worked and attendance a must.

Councilor Murphy noted that a councilor may miss a meeting but also might have done hours during the week.

Councilor McKinnon a motion to pay stipend once a year, which was duly seconded by Councilor Murphy.

A roll-call vote was taken and the results were recorded as follows: Chase – Yea; Murphy – Yea; McKinnon – Yea. Motion passed 3-0.

b) Proposed Ordinance D-FY22-009: Bridgewater Town Charter Article II, Legislative Branch, Recall Provision

After a brief discussion, Councilor Murphy made a motion to strike “involuntary commitment of a mental health facility” from (b) (5), which was duly seconded by Councilor McKinnon.

A roll-call vote was taken and the results were recorded as follows: Chase – Yea; Murphy – Yea; McKinnon – Yea. Motion passed 3-0.

Councilor Murphy made a motion to replace “his/her” with “their” in (b) (4) and to replace “he/she” with “the official” in (b) (4), which was duly seconded by Councilor McKinnon.

A roll-call vote was taken and the results were recorded as follows: Chase – Yea; Murphy – Yea; McKinnon – Yea. Motion passed 3-0.

Councilor Chase made a motion to recommend proposed Ordinance D-FY22-009 with the amendments and return it to Town Council. This motion was duly seconded by Councilor McKinnon.

A roll-call vote was taken and the results were recorded as follows: Chase – Yea; Murphy – Yea; McKinnon – Yea. Motion passed 3-0.

ADJOURNMENT OF MEETING

Councilor Murphy made a motion to adjourn, which was duly seconded by Councilor McKinnon.

A roll-call vote was taken and the results were recorded as follows: Chase – Yea; Murphy – Yea; McKinnon – Yea. Motion passed 3-0.

Meeting adjourned at 8:42pm.



Bridgewater Town Council

Introduced By: Dennis Gallagher, Councilor
Shawn George, Councilor
Date Introduced: 9/7/2021
First Reading: 9/7/2021
Second Reading: 8/8/2023
Amendments Adopted:
Third Reading: 9/5/2023
Date Adopted:
Date Effective:

Proposed Ordinance D-FY22-009: Bridgewater Town Charter Article III, Elected Officials Recall Provision

ORDERED that the Town Charter, Article II, Legislative Branch shall be amended to include a recall provision as below:

“(a) Any holder of an elective office in the Town of Bridgewater may be recalled and removed there from by the qualified voters of said Town as herein provided.

(b) One hundred or more of a district’s registered voters, or in the case of an at large official four hundred or more registered voters, may file with the Town Clerk an affidavit containing the name of the officer and the office held whose recall is sought and a statement of the offenses upon which the petition is based. An allegation of offenses which shall constitute a basis for recall of an elected official under this section shall include, but not be limited to, the following transgressions: (1) conviction of a felony or conviction of the following misdemeanors as defined by Massachusetts General Laws: domestic violence, driving under the influence of alcohol or drugs, the illegal manufacture, distribution or dispensing of controlled substances, assault or criminal harassment, while presently in office; or (2) admission of facts, while presently in office, sufficient to be convicted of a felony or sufficient to be convicted of the following misdemeanors as defined in Massachusetts General Laws: domestic violence, driving under the influence of alcohol or drugs, the illegal manufacture, distribution or dispensing of controlled substances, assault or criminal harassment; or (3) violation of the conflict of interest law (M.G.L. c. 268A) while presently in office, as determined by the State Ethics Commission or the Attorney General; (4) attendance at less than fifty (50%) of the posted public meetings of the board or office of which the official was an elected member or to which the official has been elected or appointed as part of their elected position during the previous twelve (12) months; (5) lack of fitness, insobriety while performing official functions, being placed under guardianship or conservatorship by a probate court; or (6) corruption, conviction of a felony involving moral turpitude, conviction of bribery, or extortion or (7) violation of law, regulation, bylaw or other abdication of the applicable requirements of the elected position. The elected official’s vote on a matter (other than in connection with a conflict of interest violation

VOICE VOTE - REFER TO ADVERTISING

reference above) shall not be grounds for a recall petition. Said Town Clerk and the Board of Registrars shall, within five business days, certify thereon the number of signatures which are names of registered voters of the Town. The Town Clerk shall upon certification deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which shall be kept available. The blanks shall be issued by the Town Clerk with said Clerk's signature and official seal attached thereto. They shall be dated, shall be addressed to the Town Council, and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the office held by the person named, the grounds of recall as stated in the affidavit and shall demand the election of a successor to said office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within 21 calendar days after the certification of the affidavit and shall have been signed by no less than at least ten percent (10%) of the registered voters of the district or the Town, as the case may be, based on the last Town election, who shall add to their signatures the street and number if any, of their residences. The Town Clerk shall within twenty-four hours of receipt of the petition, submit the petition to the Board of Registrars of voters in the Town, and the Registrars shall within 14 calendar days certify thereon the number of signatures which are names of registered voters of the Town.

(c) If the petition shall be certified by the Town Clerk and the Board of Registrars, and found to be sufficient, the Town Clerk shall submit the same with the Town Clerk's certification to the Town Council without delay and said Council shall within five business days give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five business days thereafter, the Town Council shall order an election to be held on a date fixed by them not less than 60 nor more than 90 calendar days after the date of the Town Clerk's certification that a sufficient petition has been filed; provided, however, if any other Town election is to occur within 100 calendar days after certification, the Town Council shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as specified in the section provided.

(d) An officer sought to be removed by recall may be a candidate for re-election and, unless the officer requests otherwise in writing, the Town Clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

(e) The incumbent shall continue to perform the duties of office until the recall election. If then re-elected, the officer shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section. If the majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If not re-elected in the recall election, the officer shall be deemed removed upon the qualification of the successor, who shall hold office during the unexpired term. If the successor fails to qualify within five calendar days after receiving notification of the election, the incumbent shall be deemed removed and the office vacant.

(f) Ballots used in a recall election shall submit the following proposition in the order indicated: FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of officer) (office held). Immediately at the right of each proposition there shall be an oval in which the voter, by filling in the oval, may vote for either of said propositions. Under the proposition shall appear the word "Candidates", the direction "Vote for One", and beneath this the names of candidates nominated as hereinbefore provided. In the case of machine voting or punch card balloting, or other forms of balloting provision shall be made to allow the same intent of the voter. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative,

VOICE VOTE - REFER TO ADVERTISING

the ballots for candidates need not be counted.

(g) No recall petition shall be filed against an officer within six months after taking office, or in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

(h) No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against that person, shall be appointed to any Town office within two years after such removal by recall or resignation.”

Said Amendment shall only become effective and is contingent upon approval by the Town Council, the State Legislature and the voters of the Town of Bridgewater.

Committee Referrals and Dispositions:

Referral(s) and Disposition(s)
• 9/7/21: Town Council First Reading - Referred to Rules & Procedures • 1/5/22: Rules & Procedures Voted to recommend with amendments. • 8/8/23: Town Council Second Reading • 9/5/23: Town Council Third Reading - Referred back to Rules & Procedures • 10/3/23: Rules & Procedures Voted 3-0 to recommend changes • 10/10/23: Town Council Fourth Reading - referred back to Rules & Procedures

Attachments: None